

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-61129-CIV-SINGHAL

JOHN H. OWOC and MEGAN E. OWOC,

Plaintiffs,

vs.

VITAL PHARMACEUTICALS, INC., et al.,

Defendants.

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**ORDER**

**THIS CAUSE** has come before the Court upon a *sua sponte* examination of the record. Plaintiffs have recently filed a Motion to Withdraw Reference and several appeals from a pending bankruptcy proceeding, *Vital Pharm., Inc., et al. v. Owoc*, No. 23-01051 (Bankr. S.D. Fla. 2023). Upon review of the record and all pending, related actions, it appears Plaintiff's Motion and two of Plaintiffs' appeals may be mooted by the bankruptcy court's final judgment in favor of Vital Pharmaceuticals.

**I. Plaintiffs' Motion to Withdraw Reference, *Owoc et al. v. Vital Pharm., Inc., et al.*, No. 23-61129-AHS (S.D. Fla. 2023) (DE [1]).**

On June 12, 2023, this Court received John H. Owoc and Megan E. Owoc's Motion to Withdraw Reference (DE [1]) (the "Motion"). The Owocs asked this Court to withdraw its reference to the bankruptcy court and to preside over the matter. *See id.* The Owocs filed an Unopposed Motion to Extend Time to File Reply in Support of Motion to Withdraw Reference, *see Vital Pharm.*, No. 23-01051 (DE 154), and the Bankruptcy Court granted an extension through June 27, 2023, *see id.* at (DE [157]). This Court understands that the Owocs may not have had the opportunity to file a Reply in support of its Motion.

Returning to the pending Motion to Withdraw Reference (DE [1]), even if this Court were to grant Plaintiffs John H. Owoc and Megan E. Owoc's Motion, this Court would be receiving a matter where final judgment has already been rendered.

## **II. Appeals from Bankruptcy Court Orders**

Separately, the Owocs have filed six appeals from various decisions by the bankruptcy court, including two matters which may be moot in light of the final judgment order issued by the bankruptcy court on July 5, 2023.

### **A. Plaintiffs' Appeal of the Bankruptcy Court's May 26, 2023 Order Granting Vital Pharmaceuticals' Motion for a Preliminary Injunction, *Owoc et al. v. Vital Pharm, Inc. et al.*, No. 23-61121-AHS (S.D. Fla. 2023) (DE [1]).**

On June 12, 2023, Plaintiffs appealed the bankruptcy court's May 26, 2023 Order Granting Vital Pharmaceuticals' Motion for a Preliminary Injunction. See *Owoc et al. v. Vital Pharm, Inc. et al.*, No. 23-61121-AHS (S.D. Fla. 2023) (DE [1]). In its Final Judgment Order, the bankruptcy court dissolved the preliminary injunction issued against the Owocs. See (DE [183]). Considering that there is no live order to appeal from, this Court is inclined to dismiss this matter as moot.

### **B. Plaintiffs' Appeal of the Bankruptcy Court's June 16, 2023 Memorandum Opinion Granting Summary Judgment in Favor of Vital Pharmaceuticals, *Owoc et al. v. Vital Pharm, Inc. et al.*, No. 23-61273-AHS (S.D. Fla. 2023) (DE [1]).**

On June 16, 2023, the bankruptcy court issued its Memorandum Opinion Granting Vital Pharmaceuticals' Motion for Summary Judgment. *Vital Pharm.*, No. 23-01051 (DE [161]). Plaintiffs appealed the summary judgment order to this Court on July 5, 2023. See *Owoc et al. v. Vital Pharm, Inc. et al.*, No. 23-61273-AHS (S.D. Fla. 2023) (DE [1]).

The bankruptcy court then issued its Final Judgment in favor of Plaintiff, Vital Pharmaceuticals, Inc., on July 5, 2023, see *id.* at (DE [183]), which Plaintiffs also

appealed to this Court, *see Owoc et al. v. Vital Pharm, Inc. et al.*, No. 23-61382-AHS (S.D. Fla. 2023) (DE [1]). Plaintiffs effectively filed two appeals for the same action by the bankruptcy court. Absent good cause, this Court is also inclined to dismiss Plaintiffs' earlier appeal of the bankruptcy court's memorandum opinion (No. 23-61273-AHS) as moot. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that on or before **July 31, 2023**, Plaintiffs John H. Owoc and Megan E. Owoc must show cause as to why this Court should not deny Plaintiffs' Motion for Withdrawal of Reference (DE [1]) as moot. Plaintiffs must also show cause as to why this Court should not dismiss matters 23-61121-AHS and 23-61273 as moot. Failure to respond to this Court's Order to Show Cause will result in a dismissal without prejudice of these three actions and without further notice.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 25th day of July 2023.

  
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RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

Copy furnished counsel via CM/ECF